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February 2, 2010

Hon. Cheryl L. Pollak, USMJ
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

VIA ECF AND TELEFAX (718) 613-2365

Re: Misiewicz v. D'Onofrio General Contractors Corp., et al.
Docket: 08 cv 4377 (CPS)(CLP)

Dear Judge Pollak:

I represent Plaintiff in the above caption matter. The parties are jointly requesting a final extension until February 12, 2010 to provide Your Honor with the text of a settlement agreement based on Mr. Misiewicz's agreement with D'Onofrio Defendants for Your Honor's review or, alternatively, if the parties cannot agree on the text of the agreement, to request a status conference to determine how to proceed further. D'Onofrio Defendants' counsel has read and approved the text of this letter.

The reason for this request is as follows. As explained in the parties' joint letter on January 20, 2010, the D'Onofrio Defendants diligently searched to locate an original of the collective bargaining agreement between D'Onofrio Defendants and the union into which D'Onofrio Defendants agreed to sponsor Mr. Misiewicz as part of their agreement. Since the CBA was drafted and signed in the 1980s, it unfortunately took D'Onofrio Defendants longer than expected to uncover a copy. Once the CBA was located, it became apparent that some language in the CBA could pose issues for the settlement negotiated between Mr. Misiewicz and D'Onofrio Defendants. The parties have worked diligently to resolve these issues but need more time to do so.

I expect to send D'Onofrio Defendants' counsel a copy of a draft settlement agreement for his review today. Any issues or disagreements will hopefully be resolved by February 10, 2010, and the parties should sign the agreement on February 11, 2010 and February 12, 2010. Plaintiff and D'Onofrio Defendants will jointly submit a status report to Your Honor on February 12, 2010, as well as a copy of the executed settlement agreement, if any. The parties hope that all that will be left at that time is for you to approve the settlement if you deem it fair and

reasonable.

In the event that parties cannot resolve all the issues by February 12, 2010, they will request a status conference before Your Honor to determine how this case should proceed further.

Thank you for your attention to the above.

Respectfully submitted,

/s/
Robert Wisniewski (RW-5308)

Request granted
So Ordered
GJ Pallab
USMJ
2/2/10